

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE: Bair Hugger Forced Air Warming
Products Liability Litigation

MDL No. 15-2666 (JNE/FLN)

This Document Relates to:

Allen v. 3M Company, et al
Case No. 17-cv-02738

PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO DISMISS

COMES NOW, Plaintiff Janet Allen, appearing through undersigned counsel, who hereby files her Response to Motion to Dismiss filed by Defendants (Rec. Doc. 1030) set for hearing at the status conference scheduled for January 18, 2018. In response to the Motion to Dismiss for failure to comply with Pretrial Order No. 14, plaintiff responds as follows:

1. On July 14, 2017, Plaintiff Janet Allen, through undersigned counsel, filed a Short Form Complaint in this MDL alleging infection and injuries caused by the Bair Hugger Forced Air Warming Blanket used during her knee replacement surgery.
2. At the time of filing, undersigned counsel was in contact with plaintiff Janet Allen and provided her a Plaintiff Fact Sheet with instructions to complete the forms and return for submission to defendants.
3. Since the filing of her complaint, the undersigned counsel has unsuccessfully attempted to reach plaintiff by telephone at least twelve times to follow up on the status of her outstanding Plaintiff Fact Sheet.
4. The undersigned has additionally sent correspondence via certified mail notifying plaintiff of her obligation to provide a substantially complete Plaintiff Fact Sheet or face potential dismissal of her case with prejudice.

5. The undersigned counsel has not received any response from plaintiff to explain the ongoing delay in providing a substantially complete Plaintiff Fact Sheet or authorize a stipulated dismissal of her case.
6. As a result, undersigned counsel files this Response to Defendant's Motion to Dismiss documenting efforts to reach plaintiff to obtain a substantially completed Plaintiff Fact Sheet pursuant to PTO 14.

This 11th day of January, 2018.

Respectfully submitted,

/s/ Wesley G. Barr

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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of January, 2018, I electronically filed the foregoing pleading with the Clerk of Court using the CM/ECF system which will send notice of electronic filing to all counsel of record.

/s/ Wesley G. Barr

Wesley G. Barr

